

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-18-90001, FC-18-90002,
AND FC-18-90003

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed judicial misconduct complaints concerning three judges of this court.

The United States Court of Federal Claims dismissed the complainant's case for lack of subject matter jurisdiction. The complainant then sought this court's review. A panel of three judges of this court affirmed the Court of Federal Claims' decision. The complaints now before this court are against the three judges who served on that panel.

The complainant alleges, *inter alia*, that the judges "used their official duties or lack of official duty to NOT obtain (causing a tort to arise and [the complainant's] injuries) or find someone else who has subject matter jurisdiction . . . so that relief could be provided to [the complainant] and those equal to [the complainant], before the ruling and dismissal of [his] case." The complainant does not allege any conduct other than the judges' ruling in his case.

The Rules for Judicial-Conduct and Judicial-Disability Proceedings preclude review of the merits of decisions or procedural rulings within the context of a misconduct complaint. See Rule 11(c)(1)(B) of the Rules

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 22 2018

PETER R. MARKSTEINER
CLERK

for Judicial-Conduct and Judicial-Disability Proceedings (a complaint of judicial misconduct must be dismissed if the complaint “is directly related to the merits of a decision or procedural ruling”). Because such review is not permitted, the complaints must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

January 22, 2018

Date

/s/ Sharon Prost

Sharon Prost
Chief Judge

There is a right to file a petition for review of this order. Pursuant to Rule 18(b) of the Rules for Judicial Conduct and Judicial Disability Proceedings, any petition for review must be received by the circuit executive within 42 days of the date of the letter transmitting this order. Any petition must be sent to:

Circuit Executive

United States Court of Appeals for the Federal Circuit

717 Madison Place, NW

Washington, DC 20439